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PATENT

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#4  
12/16/02  
D. Brewer

Applicant : Gregory A. Sims  
Application No. : 09/800,153  
Filed : March 5, 2001  
Title : INTEGRATED PEST PREVENTION SYSTEM  
Grp./Div. : 3752  
Examiner : Christopher S. Kim  
Customer No. : 29747  
Atty. Docket No. : SIMSG 01-01.PA

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Quirk & Tratos, Suite 500 N  
3733 Howard Hughes Pkwy.  
Las Vegas, Nevada 89109  
December 3, 2002

Commissioner:

This communication is responsive to the Office Action mailed November 19, 2002. The Office Action consisted entirely of a requirement to restrict the claims into four separate groupings.

Except for the requirement to divide out Claims 13-15, the restriction requirement is believed to be an error and is respectively traversed. Claims 1-12 and 16-19 are so closely related as to be includable in the same patent, and unquestionably require the same scope of search.

Discussion

Claims 1-12 and 17-19 are drawn to a system for distributing pesticide into the interior walls of a building. In paragraph 3 of the Office Action, the Examiner argues that Claims 17-19 do not require the distribution manifold of Claims 1-12. This is incorrect, see Claims 18 and 19 in which the manifold is clearly set forth.

Claim 16 is argued by the Examiner to be distinct from Claims 1-12 and 17-19 in that it does not require the manifold of Claims 1-12 and the flow measuring means of Claims 17-19. However, the Examiner's attention is drawn to page 16, lines 10-11 in which Claim 16 clearly requires "measuring the amount of pesticide injected through the port" (this paragraph contains a typographical error, since this phrase should be set forth in a separate paragraph within the claim). Furthermore, Claims 1-12 also include "flow measuring means for determining the amount of pesticide distributed into the building," in Claim 10. Thus, the flow measuring concept is explicit in Claims 1-12, 16, and 17-19.

Furthermore, while Claim 16 does not specifically identify a manifold, as does Claims 1-12 and 17-19, it does specify that a fluid injection device is mounted in a port, and pesticide is injected into tubing members. While the claim does not specify how the fluid gets from the port to the tubing members, some distribution system is implicit. Further, the word "manifold" is a very broad term. Surely, use of this specific word in only two of the three claim groupings is not sufficiently material to require Claim 16 to be placed in a completely separate application. Also, no additional searching would be required to include Claim 16 along with Claims 1-12 and 17-19.

Accordingly, Applicant respectfully requests that the restriction requirement be withdrawn such that Claims 1-12 and 16-19 remain in the case. Applicant does not traverse the restriction requirement with respect to Claims 13-15.

#### Provisional Election

If the Examiner persists in the restriction requirement after considering Applicant's arguments, Applicant elects to pursue Claims 1-12. Should the Examiner agree with Applicant's arguments, Applicant elects to pursue Claims 1-12 and 16-19. Should the Examiner disagree with the arguments set forth herein, he is invited to telephone the undersigned to see if any differences can be resolved.

Respectfully submitted,

QUIRK & TRATOS

By: 

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